

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

CHAPTER 63

HOUSE BILL 2276

AN ACT

AMENDING SECTION 25-510, ARIZONA REVISED STATUTES; REPEALING SECTION 25-515,
ARIZONA REVISED STATUTES; RELATING TO CHILD SUPPORT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-510, Arizona Revised Statutes, is amended to
3 read:

4 25-510. Receiving and disbursing support and maintenance
5 monies; arrearages; interest

6 A. The support payment clearinghouse established pursuant to section
7 46-441 shall receive and disburse all monies, including fees and costs,
8 applicable to support and maintenance unless the court has ordered that
9 support or maintenance be paid directly to the party entitled to receive the
10 support or maintenance. Within two business days the clerk of the superior
11 court shall transmit to the support payment clearinghouse any maintenance and
12 support payments received by the clerk. Monies received by the support
13 payment clearinghouse in cases not enforced by the state pursuant to title
14 IV-D of the social security act shall be distributed in the following
15 priority:

16 1. Current child support or current court ordered payments for the
17 support of a family when combined with the child support obligation.

18 2. Current spousal maintenance.

19 3. The current monthly fee prescribed in subsection D of this section
20 to cover the cost of handling support or spousal maintenance payments.

21 4. Past due support reduced to judgment and then to associated
22 interest.

23 5. Past due spousal maintenance reduced to judgment and then to
24 associated interest.

25 6. Past due support not reduced to judgment and then to associated
26 interest.

27 7. Past due spousal maintenance not reduced to judgment and then to
28 associated interest.

29 8. Past due amounts of the fee prescribed in subsection D of this
30 section to cover the cost of handling support or spousal maintenance
31 payments.

32 B. In any proceeding under this chapter regarding a duty of support,
33 the records of payments maintained by the clerk or the support payment
34 clearinghouse are prima facie evidence of all payments made and disbursed to
35 the person or agency to whom the support payment is to be made and are
36 rebuttable only by a specific evidentiary showing to the contrary.

37 C. At no cost to the clerk of the superior court, the department shall
38 provide electronic access to all records of payments maintained by the
39 support payment clearinghouse, and the clerk shall use this information to
40 provide payment histories to all litigants, attorneys and interested persons
41 and the court. For all non-title IV-D support cases, the clerk shall load
42 new orders, modify order amounts, respond to payment inquiries, research
43 payment related issues, release payments pursuant to orders of the court and
44 update demographic and new employer information. The clerk shall forward
45 orders of assignment to employers for non-title IV-D support orders. Within

1 five business days the clerk shall provide to the department any new address,
2 order of assignment or employment information the clerk receives regarding
3 any support order. The information shall be provided as prescribed by the
4 department of economic security in consultation with the administrative
5 office of the courts.

6 D. The support payment clearinghouse shall receive a monthly fee of
7 two dollars twenty-five cents to cover the cost of handling support and
8 maintenance payments. The court shall order payment of the handling fee as
9 part of the order for support or maintenance. The handling fee shall not be
10 deducted from the support or maintenance portion of the payment.

11 E. In calculating support arrearages not reduced to a final written
12 money judgment, interest accrues at the ~~annual~~ rate of ten per cent PER ANNUM
13 pursuant to section 44-1201, beginning at the end of the month following the
14 month in which the support payment is due, AND INTEREST ACCRUES ONLY ON THE
15 PRINCIPAL AND NOT ON INTEREST. ~~Past A support ARREARAGE reduced to a final~~
16 ~~written money judgment accrues interest at the annual rate of ten per cent~~
17 ~~PER ANNUM pursuant to section 44-1201, beginning on entry of the judgment by~~
18 ~~the court~~ AND ACCRUES INTEREST ONLY ON THE PRINCIPAL AND NOT ON INTEREST.

19 F. PAST SUPPORT REDUCED TO A FINAL WRITTEN MONEY JUDGMENT BEFORE THE
20 EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION AND PURSUANT TO SECTION
21 25-320, SUBSECTION C OR SECTION 25-809, SUBSECTION B ACCRUES INTEREST AT THE
22 RATE OF TEN PER CENT PER ANNUM PURSUANT TO SECTION 44-1201 BEGINNING ON ENTRY
23 OF THE JUDGMENT BY THE COURT AND ACCRUES INTEREST ONLY ON THE PRINCIPAL AND
24 NOT ON INTEREST. PAST SUPPORT REDUCED TO A FINAL WRITTEN MONEY JUDGMENT
25 BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION AND
26 PURSUANT TO SECTION 25-320, SUBSECTION C OR SECTION 25-809, SUBSECTION B DOES
27 NOT ACCRUE INTEREST FOR ANY TIME PERIOD.

28 ~~F.~~ G. Any direct payments not paid through the clearinghouse or any
29 equitable credits of principal or interest permitted by law and allowed by
30 the court after a hearing shall be applied to support arrearages as directed
31 in the court order. The court shall make specific findings in support of any
32 payments or credits allowed. If the court order does not expressly state the
33 dates the payments or credits are to be applied, the payments or credits
34 shall be applied on the date of the entry of the order that allows the
35 payments or credits. In a title IV-D case, if a court order does not
36 indicate on its face that the state was either represented at or had notice
37 of the hearing or proceeding where the payments or credits were determined,
38 the court order shall not reduce any sum owed to the department or its agent
39 without written approval of the department or its agent.

40 ~~G.~~ H. Any ~~written agreement for credit against support arrearages,~~
41 other than by court order, shall be made only by written affidavit of direct
42 payment OR WAIVER OF SUPPORT ARREARAGES signed by ~~the person ordered to make~~
43 ~~the support payment and the person entitled to receive the support OR BY THAT~~
44 PERSON AND THE PERSON ORDERED TO MAKE THE SUPPORT PAYMENT. The affidavit of
45 direct payment OR WAIVER OF SUPPORT ARREARAGES shall be filed directly with

1 the clerk of the court, who shall enter the information into the statewide
2 case registry. Any credits against support arrearages shall be applied as of
3 the dates ~~agreed to by the parties~~ CONTAINED IN THE AFFIDAVIT or the date of
4 ~~agreement reflected in the affidavit~~ if no other date is ~~agreed to~~ SPECIFIED
5 in the affidavit. In a title IV-D case, the ~~agreement and~~ affidavit OF
6 DIRECT PAYMENT OR WAIVER OF SUPPORT ARREARAGES shall not reduce any sum owed
7 to the department or its agent without written approval of the department or
8 its agent.

9 H- I. An arrearage calculator may be developed by a government agency
10 using an automated transfer of data from the clearinghouse and the child
11 support registry. The arrearage figure produced by this calculator is
12 presumed to be the correct amount of the arrearage.

13 Sec. 2. Repeal

14 Section 25-515, Arizona Revised Statutes, is repealed.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.